

REMARKS/ARGUMENTS

Claims 1 – 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,445,286 to Bosco in view of U.S. Patent No. 1,619,749 to Murray. These pending claims are under final rejection.

The drawings again stand objected to because they do not show the handle comprised of rubber or an elastomeric material. The application contains only planar and perspective views of the handle of the inventive adjustable pipe repair clamp installation tool. There are no sectional views of the handle of this tool. The composition of the tool's handle is disclosed in the application on page 7, line 1, and on page 13, lines 6-7, as preferably comprised of rubber or an elastomeric material. MPEP Section 608.02 dealing with patent drawings, and in particular subsection IX dealing with drawing symbols, includes illustrations for materials having various compositions including rubber. In particular, there are specific provisions for illustrating an element comprised of rubber in a sectional view. However, there is no particular representation for a planar or perspective view of an object comprised of rubber or an elastomeric material specified in this section. Therefore, the representation of a rubber or elastomeric handle for the adjustable pipe repair clamp installation tool shown in the various figures is believed to be correct and in compliance with patent drawing requirements. This same issue arose in related co-pending application Serial No. 10/608,290 and was withdrawn following a similar explanation as provided above which was included in Amendment B filed September 30, 2005 in the aforementioned related application. This application as well as the aforementioned related application are being examined by the same examiner

Applicant is the named inventor in aforementioned co-pending application Serial No. 10/608,290 which is a continuation-in-part application of the present application. These two

applications disclose and claim different embodiments of an adjustable pipe repair clamp installation tool. Some of the components differ between these two embodiments and the manner in which the components are connected together also differ between these two embodiments. However, the two embodiments are similar and have the same end purpose, i.e., to install pipe repair clamps on a pipe, where the size of the pipe repair clamp and the diameter of the pipe may vary over a wide range of values.

The claims in co-pending application Serial No. 10/608,290 are currently the subject of an appeal. The claims in the co-pending application also stand rejected under the same prior art cited by the Examiner in the present application, i.e., the combination of the patents to Bosco and Murray. The arguments of Applicant's Appeal Brief filed in application Serial No. 10/608,290 were found persuasive with regard to claims 4 – 10 in the aforementioned co-pending application and the rejections under 35 U.S.C. §103(a) directed to claims 4 – 10 were withdrawn as set forth in the Examiner's Answer. In the co-pending application, allowable claim 4 depends from claim 3, which depends from claim 2, which depends from claim 1.

In this amendment, claim 1 has been amended to include the recitations of cancelled dependent claims 2 – 6 and 9. Amended claim 1 now includes the corresponding recitations of structure and operation as set forth in allowable claims 4-10 of applicant's co-pending application Serial No. 10/608,290. Because the same prior art is cited in applicant's aforementioned co-pending application wherein claims 4-10 have been found allowable, amended claim 1 in this application, and all claims depending therefrom, now recite patentable subject matter, and are in condition for allowance.

Therefore, allowance of the pending claims, as amended, is respectfully solicited.

Respectfully submitted,

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